

## REMARKS

In response to the Office Action dated June 4, 2002, the Applicant has amended the application. Claims 1-3, 5, 17, 18, 23, 24, and 27-29 have been amended to clarify the claims limitations. Claim 31 has been added as a new dependent claim. Claim 4 has been cancelled because its limitations have been incorporated into the amended claims 1 and 2.

Applicant respectfully requests that the finality of the Examiner's June 4, 2002, Office Action be withdrawn. Applicant submits that the final rejection was premature given the new grounds introduced by the Examiner and the newly cited art, i.e. De Brito, WO 99/33199. Applicant respectfully disagrees with the Examiners statement, in Paragraph 5, that "Applicant's amendment necessitated the new ground(s) of rejection presented in this office action."

Applicant's prior amendment added no new limitations that did not already exist in dependent claims. Specifically, the amendments to independent claims 1, 17, and 23, to which the De Brito prior art is addressed, merely incorporated the limitation of a key from dependent claims 4, 19, and 25, respectively. The scopes of claims 4, 19, and 25 were unaffected by the prior amendment. The fact that the current office action rejects unamended claims 4, 19, and 25 under De Brito as well demonstrates that Applicant's prior amendment did *not* necessitate the new grounds of rejection presented in this office action.

The Examiner rejects claims 1-16 and 27-30 in Paragraph 3 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Grube et al., US Patent Number 5,666,661 (hereinafter, "Grube") in view of De Brito, WO 99/33199 (hereinafter, "De Brito"). The Examiner rejects claims 17-26 in Paragraph 4 of the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Grube in view of Lachance, US Patent Number 6,246,882 (hereinafter, "Lachance") and De Brito.

Claims 1-3, 7-9, 17-19, and 23-25 as amended include the limitations that one mobile radio terminal comprises a mobile communication device and that a second mobile radio terminal comprises a key to permit the operation of the mobile communication device. Claims 1, 7, and 23 have been amended to clarify that limitation, previously present in their dependent claims 4, 19, and 25 respectively. Claims 2, 3, 18, and 24 have been amended to bring them into conformity with claims 1, 7, and 23, and their scopes remain otherwise unchanged. Claim 4 has been cancelled because all of its limitations can be found in the amended claim 2.

The Examiner rejects claims 1, 4, 17, 19, 23, and 25 with the same argument based on De Brito. Claims 2, 3, 7-9, 18, and 24 depend from claims 1, 17, and 23. The amendments to claims 1, 17, and 23 clarify their existing limitations by using the wordings from claims 4, 19, and 25.

De Brito teaches a system by which a user may call a telephone number associated with a set of mobile communication devices. The system determines the location of the user, and the locations of all relevant mobile communication devices within the set. The system then

establishes a call connection between the user and the most geographically advantageous mobile communication device within the set, typically the mobile communication device nearest to the user. See De Brito, Figs. 1 and 2A; page 7, line 12 to page 9, line 10. The Examiner concludes that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Grube's system with De Brito's teaching technique of having the call communication established between the first and/or second mobile terminal in sending or transmitting a key to permit the generation of the control signal to other terminals in order to perform the call connection as suggested by De Brito as preferred."

However, De Brito does not include the limitation of a key that permits the operation of a mobile communication device. The Examiner suggests that, because the system described by De Brito selects one mobile communication device from an available set when a user calls the specified number, the user serves as a key to the selected mobile communication device. However, in that situation, the user is not a key permitting operation of a particular mobile communication device. Instead, the location of the user is merely a selection parameter in the selection of the preferred mobile communication device. Therefore, De Brito and Grube do not include all of the limitations of the rejected claims.

Furthermore, even if De Brito included the limitation of a key that permits the operation of a mobile communication device, one skilled in the art would not be motivated to modify Grube's system with De Brito's teaching as described by the Examiner. Grube concerns determining the distance between two mobile communication devices and choosing whether to open a direct or a cellular communication channel. De Brito concerns selecting one mobile communication device from a set of mobile communication devices and opening a communication channel with that selected device. Combining Grube with De Brito as described by the Examiner would result in Grube determining the distance between two mobile communication devices and deciding whether to open any communication channel at all. Because Grube is premised upon the notion that the users of the two mobile communication devices desire to communicate, and is concerned solely with the most efficient means of allowing those users to communicate, permitting the mobile communications devices to decide not to communicate at all would render Grube's system non-functional. One skilled in the art would therefore have no motivation to modify Grube's system in such a way.

The Applicant respectfully requests that the rejections of claims 1-3, 7-9, 17-19, and 23-25 be withdrawn for the above-stated reasons.

Claims 5, 6, 11-16, 20, 22, and 26-31 as amended include the limitation that the locations of the mobile radio terminals are compared to specified locations. Claim 27 has been amended to include that limitation, previously present in its dependent claims 28-30. Claims 28 and 29 have been amended to bring them into conformity with amended claim 27, and their scopes remain otherwise unchanged. Claim 5 has been amended to be an independent claim without the limitations of amended claim 1, and claim 31 has been added as a dependent claim to claim 5 and includes a limitation previously depending from claim 1.

In rejecting claims 5, 6, 20, and 26, the Examiner suggests that the limitation of comparing the locations of the mobile radio terminals to specified locations is described by Grube, insofar as "the two locations are compared to each other, for example, on their close proximity to each other, based on the predetermined distance or a specified distance of one to another." However, Grube describes comparing the locations of two communication units and establishing the geographic separation of the units. See Grube, col. 2, lines 58 to 67. Grube makes no mention of specified locations, and does not describe comparing the locations of the communication units to specified locations. Furthermore, because Grube describes a method of automatically choosing between a cellular and a direct method of communication, one skilled in the art would not be motivated to modify Grube to compare the locations of the communication units to specified locations instead of to establish their geographic separation. The functionality of Grube's invention would only be diminished by choosing between a direct and a cellular method of communication by comparing the communication units' locations to specified locations instead of calculating the units' geographic separation.

In rejecting claim 12, the Examiner suggests that the limitation of comparing the locations of N mobile radio terminals to M different specified locations is described by Grube, insofar as "N mobile terminals  $\geq 2$  and M different locations are addressed by Grube because a group call (understood that a group call is formed by two or more persons) is mentioned." However, as described in the discussion of claim 5 above, Grube makes no mention of specified locations, and does not describe comparing the locations of communication units to specified locations. Furthermore, as described above, one skilled in the art would not be motivated to modify Grube to compare the locations of communication units to specified locations.

The Examiner refers to the reasoning of the rejection of claim 12 in rejecting claims 15, 16, and 27-30. The Examiner does not address the limitation of comparing the locations of mobile radio terminals to specified locations in rejecting claims 11 and 22. Claims 13 and 14 are dependent from claim 12. Claim 31 has been newly added and is dependent from claim 5.

The Applicant respectfully requests that the rejections of claims 5, 6, 11-16, 20, 22, and 26-31 be withdrawn for the above-stated reasons.

Claims 10, 11, 21, and 22 include the limitation that the comparing step comprises the step of comparing a current time with a pre-select time. In rejecting these claims, the Examiner suggests that the limitation is described by Grube, insofar as "two units are mobile and they are constantly moving; thus the distance between them is variable. Therefore the procedure as illustrated in Fig. 3 can be consistently repeated in terms of the current time and then the preselect time, for example, within 30 minutes or an hour for conversation, for automatically checking the favorable distance between them."

Even assuming that the use of the Grube invention as described by the Examiner would be obvious to one skilled in the art, however, the Examiner does not describe the step of comparing a current time with a pre-select time. Neither Grube nor the Examiner's example

make any mention of a comparison of the current time with a pre-select time. Furthermore, one skilled in the art would not be motivated to modify Grube to compare the current time with a pre-select time, as such a comparison would only diminish the functionality of Grube's invention by limiting its operation according to the time of day.

The Applicant respectfully requests that the rejections of claims 10, 11, 21, and 22 be withdrawn for the above-described reasons.

Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments and remarks.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein.

No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was a narrowing amendment made to distinguish over a specified reference or references.

The Commissioner is hereby authorized to charge payment of any additional filing or application fees associated with this communication or credit any overpayment to Deposit Account No. 13-4365.

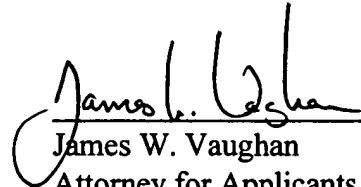
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

*Applicant believes the foregoing amendments place the application in condition for allowance. Entry of the amendments and allowance of the application at an early date is respectfully requested.*

For the foregoing reasons, the Applicant respectfully submits that claims 1-31 are now in condition for allowance. Reconsideration and withdrawal of the rejections and objections are requested. Allowance of claims 1-31 at an early date is respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Claims 1-3, 5, 17, 18, 23, 24, and 27-29 are amended:

1. (Twice amended) A method of generating a control signal comprising the steps of:  
determining the location of a first mobile radio terminal;  
determining the location of a second mobile radio terminal;  
comparing the locations of the terminals; and  
generating a control signal based upon said comparison;  
wherein [the second mobile radio terminal has the primary function of being a key to permit the generation of the control signal] the first mobile radio terminal comprises a mobile communication device and the second mobile radio terminal comprises a key permitting operation of the mobile communication device, and wherein the step of generating a control signal based upon said comparison comprises the step of generating a mobile communication device activation signal.

2. (Once amended) The method of claim 1, wherein the key permits operation of the mobile communication device only when the key is within a specified distance from the mobile communication device, and wherein the step of generating a control signal based upon said comparison comprises the step of generating a [control] mobile communication device activation signal if the locations of the [first and second mobile radio terminals] mobile communication device and the key are within a specified distance of one another.

3. (Once amended) The method of claim 1, wherein the key permits operation of the mobile communication device only when the key is separated by at least a specified distance from the mobile communication device, and wherein the step of generating a control signal based upon said comparison comprises the step of generating a [control] mobile communication device activation signal if the locations of the [first and second mobile radio terminals] mobile communication device and the key are separated by at least a specified distance.

5. (Once amended) A method of generating a control signal comprising the steps of:  
determining the location of a first mobile radio terminal;

determining the location of a second mobile radio terminal;  
comparing the locations of the terminals; and  
generating a control signal based upon said comparison;

[The method of claim 1,] wherein the step of generating a control signal based upon said comparison comprises the step of generating a control signal if the first mobile radio terminal is at a first specified location and the second mobile radio terminal is at a second specified location.

17. (Twice amended) A method of generating a control signal comprising the steps of:

receiving, at a location server, an initiation signal from a first mobile radio terminal, said initiation signal including the location of the first mobile radio terminal;

transmitting, by the location server, a location query to a second mobile radio terminal;

reporting, by the second mobile radio terminal, the location of the second mobile radio terminal in response to the location query;;

comparing, at the location server, the locations of the first and second mobile radio terminals; and

generating a control signal based upon said comparison;

wherein either the first mobile radio terminal or the second mobile radio terminal [has the primary purpose of being a key to permit the generation of the control signal] comprises a mobile communication device, wherein the corresponding second or first mobile radio terminal comprises a key permitting operation of the mobile communication device, and wherein the step of generating a control signal based upon said comparison comprises the step of generating a control signal activating the mobile communication device for use.

18. (Twice amended) The method of claim 17, wherein the key permits operation of the mobile communication device only when the key is within, or separated by, a specified distance from the mobile communication device, and wherein the step of generating a control signal based upon said comparison comprises the step of transmitting, by the location server, a control signal activating the [non-key mobile radio terminal] mobile communication device for use if the locations of the first and second mobile radio terminals are either within, or separated by, a specified distance.

23. (Twice amended) A method of generating a control signal comprising the steps of:

receiving, at a location server, an initiation signal from a first mobile radio terminal;

transmitting, by the location server, a location query to the first mobile radio terminal and a second mobile radio terminal;  
reporting, by the first and second mobile radio terminals, respective locations of the first and second mobile radio terminals in response to the location query;  
comparing, at the location server, the received locations of the first and second mobile radio terminals; and  
generating a control signal based upon said comparison;  
wherein either the first mobile radio terminal or the second mobile radio terminal [has the primary purpose of being a key to permit the generation of the control signal] comprises a mobile communication device, wherein the corresponding second or first mobile radio terminal comprises a key permitting operation of the mobile communication device, and wherein the step of generating a control signal based upon said comparison comprises the step of generating a control signal activating the mobile communication device for use.

24. (Twice amended) The method of claim 23, wherein the key permits operation of the mobile communication device only when the key is within, or separated by, a specified distance from the mobile communication device, and wherein the step of generating a control signal based upon said comparison comprises the step of transmitting, by the location server, a control signal activating the [non-key mobile radio terminal] mobile communication device for use if the locations of the first and second mobile radio terminals are either within, or separated by, a specified distance.

27. (Once amended) A method of generating a control signal comprising the steps of:  
monitoring, at a location server, locations of N mobile radio terminals, wherein  $N \geq 2$ , said location server remote from the N mobile radio terminals;  
comparing, at the location server, the monitored locations of the N mobile radio terminals; and  
generating, at the location server, a control signal based upon said comparison;  
wherein the step of comparing, at the location server, the monitored locations of the N mobile radio terminals comprises the step of comparing the monitored locations of the N mobile radio terminals with M specified locations.

28. (Once amended) The method of claim 27, [wherein the step of comparing, at the location server, the monitored locations of the N mobile radio terminals comprises the step of comparing the



monitored locations of the N mobile radio terminals with] wherein  $M \leq N$  and the M specified locations comprise M different specified locations[, wherein  $M \leq N$ ,] and

wherein the step of generating, at the location server, a control signal based upon said comparison comprises the step of generating, at the location server, a control signal if at least one of the N mobile radio terminals is located at each of the M different specified locations.

29. (Once amended) The method of claim 27, [wherein the comparing and generating steps comprise the steps of:

comparing at the location server, the monitored locations of the N mobile radio terminals with] wherein  $M = N$  and the M specified locations comprise N specified locations, one assigned to each of the N mobile radio terminals; and

wherein the step of generating, at the location server[ in response to said comparison], a control signal based upon said comparison comprises the step of generating, at the location server, a control signal if each of the N mobile radio terminals is located at its assigned location.

Claim 31 is added:

31. The method of claim 5, wherein the comparing and generating steps are performed at one of the first and second mobile radio terminals.

Claim 4 is cancelled.